

**AMENDMENTS TO THE CLAIMS**

1-32. (Cancelled)

33. (Currently Amended) A light emitting diode (LED) comprising:

a first gallium nitride layer;

a super lattice structure including InGaN on an  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer formed over the first gallium nitride layer;

an active layer on the super lattice structure including InGaN formed over the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer; and

a second gallium nitride layer ~~formed over~~on the active layer,

wherein the super lattice structure including InGaN  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a plurality of pits formed thereon, and

wherein a number of the plurality of pits is 50 or less per area of  $5\mu\text{m} \times 5\mu\text{m}$ .

34. (Previously Presented) The LED according to claim 33, wherein the active layer comprises an InGaN/InGaN structure of a multi-quantum well structure.

35-36. (Cancelled)

37. (Currently Amended) The LED according to claim 33, wherein the super lattice structure including InGaN includes an  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer ~~is formed to have a super lattice structure.~~

38. (Currently Amended) The LED according to claim 33, wherein ~~each layer of the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer~~ the super lattice structure including InGaN has a thickness of 1~3000 Å.

39. (Currently Amended) The LED according to claim 33, wherein the super lattice structure including InGaN  ~~$\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer~~ has a photoluminescence characteristic of a yellow band intensity/N-doped GaN intensity ratio of 0.4 or below.

40. (Currently Amended) The LED according to claim 33, wherein the active layer is directly ~~formed on the~~ super lattice structure including InGaN.

~~$\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer~~

41. (Previously Presented) The LED according to claim 33, wherein the LED is blue LED.

42. (Currently Amended) A method for manufacturing a light emitting device, the method comprising the steps of:

forming a buffer layer;

forming an N-type gallium nitride layer on the buffer layer;

forming an  ~~$\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer~~ above a super lattice structure including InGaN on the N-type gallium nitride layer, ~~the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer including layers of first and second growth temperatures;~~

forming an active layer ~~above on the~~ super lattice structure including InGaN  ~~$\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer;~~ and

forming a P-type gallium nitride layer ~~above on~~ the active layer.

wherein the active layer is grown at a temperature lower than the first and second temperatures,

wherein the super lattice structure including InGaN has a plurality of pits formed thereon and wherein a number of the plurality of pits is 50 or less per area of  $5\mu\text{m}\times 5\mu\text{m}$ , and

wherein the buffer layer is grown at a first temperature, and the super lattice structure is grown at a second and a third temperature higher than the first temperature, and the active layer is grown at a fourth temperature higher than the first temperature and lower than the second and third temperature.

and

~~wherein the  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a plurality of pits formed thereon.~~

43. (Previously Presented) The method according to claim 42, wherein the active layer is grown at 600~800 °C.

44. (Previously Presented) The method according to claim 42, wherein the active layer comprises an InGaN/InGaN structure of a multi-quantum well structure.

45-46. (Cancelled)

47. (Currently Amended) The method according to claim 42, wherein the super lattice structure including InGaN includes an  $\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer ~~is formed to have a super lattice structure.~~

48. (Currently Amended) The method according to claim 42, wherein each layer of the super lattice structure including  $\text{InGaN}/\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a thickness of 1~3000 Å.

49. (Currently Amended) The method according to claim 42, wherein the super lattice structure including  $\text{InGaN}/\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer has a photoluminescence characteristic of a yellow band intensity/N-doped GaN intensity ratio of 0.4 or below.

50. (Currently Amended) The method according to claim 42, wherein the active layer is directly formed on the super lattice structure including  $\text{InGaN}/\text{In}_x\text{Ga}_{1-x}\text{N}/\text{In}_y\text{Ga}_{1-y}\text{N}$  multi-layer.

51. (Currently Amended) A light emitting diode (LED), comprising:

a substrate;

a buffer layer on the substrate;

an undoped GaN layer on the buffer layer;

an N-type GaN layer directly ~~formed on~~ the undoped GaN layer;  
a super lattice structure including InGaN directly ~~an  $\text{In}_{1-x}\text{Ga}_x\text{N}/\text{In}_{1-y}\text{Ga}_y\text{N}$  multi-layer~~  
~~directly formed on the N-type GaN layer;~~  
an active layer directly ~~formed on the  $\text{In}_{1-x}\text{Ga}_x\text{N}/\text{In}_{1-y}\text{Ga}_y\text{N}$  multi-layer~~ on the super  
lattice structure including InGaN; and  
a P-type GaN layer ~~formed on~~ the active layer,  
wherein the super lattice structure including InGaN has a plurality of pits thereon and  
wherein a number of the plurality of pits is 50 or less per area of  $5\mu\text{m} \times 5\mu\text{m}$ .  
 ~~$\text{In}_{1-x}\text{Ga}_x\text{N}/\text{In}_{1-y}\text{Ga}_y\text{N}$  multi-layer has a plurality of pits formed thereon.~~

52. (Previously Presented) The LED according to claim 51, further comprising:

a GaN layer between the buffer layer and the undoped GaN layer.

53. (Currently Amended) The LED according to ~~claim 53~~ claim 52, wherein the undoped GaN layer is directly ~~formed on~~ the GaN layer.

54. (Previously Presented) The LED according to claim 51, wherein the active layer comprises:

an InGaN/InGaN structure of a multi-quantum well structure.

55. (New) The method according to claim 42, further comprising:  
forming an undoped GaN layer on the buffer layer before forming the N-type gallium nitride layer.

56. (New) The method according to claim 55, wherein the undoped GaN layer is grown at a fifth temperature higher than the first temperature, the second temperature, the third temperature and the fourth temperature.

57. (New) The method according to claim 42, further comprising:  
forming a plurality of pits between the active layer and the P-type gallium nitride layer.